IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14603 of 2004

Between:

M. Sada Shiva Reddy S/o. Venkat Reddy
R/o. H.No.3-9-140, Vavilalapally, karimnagar.

..... PETITIONER

AND

1 The Superintendent of Police, Karimnagar.
2 The C.I. of Police, Sultanabad, Karimnagar District.
3 The S.I. of Police, Julapally.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in the nature of writ of Mandamus duly declaring the deliberate inaction on the part of the Respondents 2 & 3 herein to investigate the crime registered in F.I.R. No. 63/2004 of P.S. Julapally as highly arbitrary, illegal, unilateral and contrary to the code of Cr.P.C. and its Provisions and consequently direct the 1st respondent i.e., Superintendent of Police, Karimnagar, to entrust the investigation of the said Crime in F.I.R. NO. 63/2004 of P.S. Julapally to any other police station with in the District.

Counsel for the Petitioner: MR.VINOD KUMAR DESHPANDE

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The petitioner seeks a writ of Mandamus declaring the alleged inaction on the part of respondents 2 and 3 to investigate the crime registered in F.I.R.No.63 of 2004 of Julapally Police Station, as arbitrary and illegal and consequently to direct the first respondent-Superintendent of Police, Karimnagar to entrust investigation in the said crime to any other Police Station.

The case of the petitioner is that for the last two months one Raja Reddy, who is the father of petitioner's daughter-in-law, Madhavi, started demanding huge amounts. On 26-6-2004 the said Raja Reddy came to his village and threatened his Farm tenants and servants not to cultivate the lands and to vacate the premises. The petitioner lodged a complaint before Julapally Police Station. The said Raja Reddy, along with goondas, came to the house of the petitioner and forcibly took the petitioner and his son, attempted to kill them, obtained their signatures on blank stamped papers and on two white papers and threatened his wife and obtained four blank cheques. The Sub-Inspector of Police, Julapally and the Circle Inspector of Police, Sulthanabad visited the village and registered a case in Crime No.63 of 2004. However, no further steps have been taken and in spite of the repeated requests made by the petitioner, respondents 2 and 3 have not even seized the blank cheques obtained from him. It is alleged that with the connivance of the Police, the blank cheques have been handed over to some third parties and one cheque was already misused. Consequently a legal notice under Section 138 of the Negotiable Instructions Act was received by the petitioner from one Kallem Lakshman. In the circumstances, this writ petition is filed seeking the above relief.

Though no counter-affidavit has been filed on behalf of the respondents, it is to be noted that subsequently the petitioner made a complaint before the first respondent on 22-07-2004 bringing to his notice the alleged inaction on the part of respondents 2 and 3 to proceed further in Crime No.63 of 2004. The said complaint has been acknowledged by the office of the first respondent.

In the circumstances and keeping in view the allegations made against respondents 2 and 3, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the complaint made by the petitioner dated 22-07-2004 and take necessary action in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order.

Accordingly, the writ petition is disposed of. No costs.

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17-11-2004

kdl

To

1 The Superintendent of Police, Karimnagar.
2 The C.I. of Police, Sultanabad, Karimnagar District.
3 The S.I. of Police, Julapally.

4 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad.

5 Two C.D. Copies.